

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****PATENT**

Application No.: 09/639,912  
Filing Date: August 16, 2000  
Applicant: Bengelt et al  
Group Art Unit: 2614  
Examiner: Shang, Annan  
Title: Method And Apparatus For Bi-Directional Data  
Services And Live Television Programming To Mobile  
Platforms  
Attorney Docket: 7784-000129

**Declaration under 37 C.F.R. § 1.131**

I hereby declare under penalty of perjury as follows:

That I am a co-inventor of the subject matter of U.S. patent application Serial No. 09/639,912, filed August 16, 2000 (the "912 application").

That the subject matter of the '912 application was conceived prior to May 26, 1998, the filing date of U.S. Patent No. 6,807,538 B1 to Weinberger et al (hereafter the "Weinberger et al patent"), as evidenced by the document entitled "Wireless Aircraft Communicator", attached as Exhibit A. This document was created prior to May 26, 1998.

That diligence was exercised from just prior to May 26, 1998 to the constructive reduction to practice of the subject matter of the '912 application, that date being November 5, 1998, which is the "Date Built" on page 1 of the previously submitted Invention Disclosure document. This is evidenced by the documents entitled "Phased Array Communication Antenna System For Fairlines Hardware Interface Control Document" (attached as Exhibit B), and the document entitled "Phased Array Communication Antenna System (PACAS) Description Document" (attached as Exhibit C). The document of Exhibit B evidences that work was on-going in the development of the antenna system which is a component of the system set forth in the '912 application, from September 1997 through July of 1998. The document of Exhibit C evidences that further development of the antenna system took place through July 1998.

That the subject matter of the '912 application has never been abandoned, suppressed or concealed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like

so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 the United States Code, and that such willful false statement may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

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Greg A. Benguelt

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Date

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Jeffrey P. Harrang

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Date

*William R. Richards* 5/22/06

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William R. Richards

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Date

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Michael G. Lynch

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Date

*Michael de La Chapelle* 5/22/06

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Michael de La Chapelle

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Date

*Paulus J. Martens* 5/22/06

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Paulus J. Martens

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Date

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Ronald S. Carson

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Date

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Daniel F. Miller

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Date

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Geoffrey White

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Date

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George Fitzsimmons

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Date

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Russell Berkheimer

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Date

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Robert P. Higgins

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Date

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Arthur F. Morrison

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Date

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